

EXHIBIT D

**In the Superior Court of the State of Arizona
In and For the County of Maricopa**

Plaintiff's Attorneys:

Daniel Miller - Primary Attorney
Bar Number: 009769, issuing State: AZ
Law Firm: Tucker & Miller LLLP
1440 E Missouri Ave Ste C150
Phoenix, AZ 85014
Telephone Number: (602)870-5511
Email address: dmiller@tucker-miller.com

Evan S Goldstein
Bar Number: 011866, issuing State: AZ
Law Firm: GOLDSTEIN WOODS & ALAGHA
Telephone Number: (602)569-8200

Plaintiff:

Eric F CLIFFORD
1440 E Missouri Ave Ste C150
Phoenix, AZ 85014
Telephone Number: (480)578-8187

Defendants:

The National Assoc of Stock Car Auto Racin, AKA NASCAR
2338 W. Royal Palm Rd SteJ
phoenix, AZ 85021

Phx International Raceway PIR, AKA PIR

ISM RACEWAY
125 S. Avondale
Avondale, AZ 85232

Phoenix International Raceway
7602 S. Avondale
Avondale, AZ 85323

Discovery Tier t3

AZTurboCourt.gov Form Set #6564637

Case Category: Tort Non-Motor Vehicle
Case Subcategory: Premises Liability

EXHIBIT E

Clerk of the Superior Court
*** Electronically Filed ***
K. Higuchi-Mason, Deputy
2/23/2022 2:10:07 PM
Filing ID 13971849

Person/Attorney Filing: Daniel Miller
Mailing Address: 1440 E Missouri Ave Ste C150
City, State, Zip Code: Phoenix, AZ 85014
Phone Number: (602)870-5511
E-Mail Address: dmiller@tucker-miller.com
☐ Representing Self, Without an Attorney
(If Attorney) State Bar Number: 009769, Issuing State: AZ

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

Eric F CLIFFORD
Plaintiff(s),

Case No. CV2022-002269

v.

The National Assoc of Stock Car
Auto Racin, AKA NASCAR, et al.
Defendant(s).

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Maricopa County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Daniel Miller /s/
Plaintiff/Attorney for Plaintiff

EXHIBIT F

Clerk of the Superior Court
 *** Electronically Filed ***
 M. Farrow, Deputy
 3/8/2022 10:14:59 AM
 Filing ID 14021966

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 DANIEL P.J. MILLER – I.D. #009769
 KEVIN J. TUCKER - I.D. #013437
Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

ERIC CLIFFORD, a single man.

Plaintiff,

v.

**The National Association of Stock Car Auto
 Racing, LLC. ("NASCAR") a Florida
 Corporation; Phoenix International
 Raceway ("PIR"); ISM Raceway; Phoenix
 International Raceway;
 JOHN AND JANE DOES I-IV; ABC
 CORPORATIONS and XYZ Partnerships,**

Defendants.

NO. CV2022-002269

**MOTION TO FILE FIRST AMENDED
 COMPLAINT AND AMEND CAPTION**

Plaintiff, by and through counsel undersigned hereby moves this Court of an Order allowing Plaintiff to file a First Amended Complaint and correct the caption to reflect the correct Defendants. Plaintiff is aware that since the original Complaint has not been served or answered, that the Complaint can be amended under Rule 15(1), Ariz.R.Civ.P. However, the caption of the First Amended Complaint will be different than the original complaint,

1 which is to correct a clerical error and add a Defendant. Plaintiff requests that it be allowed
 2 to amend and file its First Amended Complaint in the form attached hereto as Exhibit "1".

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 Rule 15, Ariz.R.Civ.P. favors the liberal allowance of requests to amend. *See Cagle v.*
 5 *Carr*, 101 Ariz. 225, 418 P.2d 381 (Ariz. 1966). This policy of liberal allowance holds true
 6 even when a plaintiff seeks leave to amend to plead new legal theories and to add wholly new
 7 defendants. *Green Reservoir Flood Control Dist. v. Willmoth*, 15 Ariz.App. 406, 489 P.2d 69
 8 (Ariz. App. 1971); *also, see Eldridge v. Block*, 832 F.2d 1132, 1135 (9th Cir. 1987)(holding
 9 that "Rule 15's policy of favoring amendments to pleadings should be applied with extreme
 10 liberality").

11 Here, plaintiff is requesting leave to correct clerical errors in the identification of the
 12 correct Defendant's name, and to add Defendant NASCAR ENTERPRISES, LLC, an Arizona
 13 corporation, as a Defendant

14 The complaint was recently filed and has not been served, and no answer has been
 15 filed. Good cause exists for the grant of leave to amend to clarify the proper Defendant name
 16 and to add Defendant NASCAR ENTERPRISES, LLC, an Arizona corporation

17 Accordingly, and for the foregoing reasons, Plaintiff requests this court grant this
 18 motion and allow Plaintiff to file its First Amended Complaint.
 19

20 DATED this 8th day of March, 2022.

21
 22 **TUCKER & MILLER, L.L.L.P.**

23 By: /s/ Daniel P.J. Miller
 24 DANIEL P.J. MILLER
 Attorneys for Plaintiff

25 **GOLDSTEIN WOODS & ALAGHA**

26 By: /s/ Evan S. Goldstein
 27 EVAN S. GOLDSTEIN
 Attorneys for Plaintiff
 28

1 ORIGINAL of the foregoing e-filed
2 This 8th day of March, 2022,
3 With the Clerk of the Superior Court.

4 By: /s/ Alexandra Nieminen
5 ESG/PLF/Clifford

Granted as Submitted

See eSignature page

Clerk of the Superior Court

*** Electronically Filed ***

D. Charbagi, Deputy

4/14/2022 8:00:00 AM

Filing ID 14175777

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8 **TUCKER & MILLER, L.L.P.**
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 10 Phoenix, AZ 85014
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 12 Fax: (602) 870-5255
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 14 DANIEL P.J. MILLER – I.D. #009769
 15 KEVIN J. TUCKER - I.D. #013437

16 *Attorneys for Plaintiff*

17 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

18 IN AND FOR THE COUNTY OF MARICOPA

19 **ERIC CLIFFORD**, a single man.)

20 Plaintiff,)

21 v.)

22 **The National Association of Stock Car Auto**)
 23 **Racing, LLC. ("NASCAR") a Florida**)
 24 **Corporation; Phoenix International**)
 25 **Raceway ("PIR"); ISM Raceway; Phoenix**)
 26 **International Raceway;**)

27 **JOHN AND JANE DOES I-IV; ABC**)
 28 **CORPORATIONS and XYZ Partnerships,**)

29 Defendants.)

NO. CV2022-002269

ORDER

30 The Court, having received Plaintiff's Motion to File First Amended Complaint and
 31 Amend Caption, having reviewed same and good cause appearing:

32 IT IS HEREBY ORDERED granting Plaintiff's Motion to File First Amended
 33 Complaint.

1 IT IS FURTHER ORDERED allowing Plaintiff to amend the caption of the First
2 Amended Complaint to reflect the correct Defendants' names and to add Defendant
3 NASCAR ENTERPRISES, LLC, as a defendant
4

5 Dated: _____
6

7 _____
8 Judge of the Superior Court
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eSignature Page 1 of 1

Filing ID: 14175777 Case Number: CV2022-002269
Original Filing ID: 14021966

Granted as Submitted



/S/ Katherine Cooper Date: 4/13/2022
Judicial Officer of Superior Court

ENDORSEMENT PAGE

CASE NUMBER: CV2022-002269

SIGNATURE DATE: 4/13/2022

E-FILING ID #: 14175777

FILED DATE: 4/14/2022 8:00:00 AM

DANIEL P J MILLER

I S M RACEWAY
125 S AVONDALE AVONDALE AZ 85232

NATIONAL ASSOCIATION OF TOCK CAR AUTO
RACING L L C, N A S C A R
2338 W ROYAL PALM RD STE J PHOENIX AZ 85021

PHOENIX INTERNATIONAL RACEWAY
7602 S AVONDALE AVONDALE AZ 85323

EXHIBIT G

LEWIS BRISBOIS BISGAARD & SMITH LLP

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Phoenix, Arizona 85012-2761

Telephone: 602.385.1040

Facsimile: 602.385.1051

Firm email: azdocketing@lewisbrisbois.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA, PHOENIX

Eric Clifford, a single man,

Plaintiff,

vs.

The National Association for Stock Car
Auto Racing, LLC. d/b/a "NASCAR," a
Florida Corporation; Phoenix Speedway,
LLC d/b/a Phoenix Raceway and "PIR"
and formerly ISM Raceway, an Arizona
corporation; NASCAR Enterprises, LLC,
an Arizona Corporation; John and Jane
Does I-IV; ABC Corporations and XYZ
Partnerships,

Defendants.

CASE NO.

(Maricopa County Superior Court Case No.
CV2022-002269)

**ATTORNEY DECLARATION IN
SUPPORT OF NOTICE OF
REMOVAL**

Pursuant to LR Civ. 3.6, Local Rules for the United States District Court of Arizona,

I, Jarin K. Giesler, verify that the following facts are within my personal knowledge:

1. I am over the age of 18 and I am competent to testify to the matters set forth
in this Verification/Declaration.

1 2. I am one of the attorneys of record for Defendants The National Association
2 for Stock Car Auto Racing, LLC; Phoenix Speedway, LLC; and NASCAR Enterprises, LLC
3 (“Defendants”) in Maricopa County Superior Court No. CV2022-002269, and I make this
4 Verification/Declaration in such capacity on the basis of my personal knowledge.
5

6 3. I have read Defendants’ Notice of Removal in its entirety and verify that the
7 facts set forth in the Notice of Removal are true and accurate based on my personal
8 knowledge, except for any matters that are stated upon information and belief, and as to any
9 such matters, I believe them to be true in good faith.
10

11 4. I have read the Affidavit of Alan Micallef, attached as **Exhibit H** to
12 Defendants’ Notice of Removal, and certify that Defendants in this matter are citizens of
13 Delaware and Florida.
14

15 5. Exhibits A through F to the Notice of Removal constitute true and correct
16 copies of all pleadings and other documents that have been filed in the state court proceeding.
17

18 6. The Complaint in this matter establishes that the amount in controversy,
19 exclusive of interest and costs, exceeds the jurisdictional minimum of \$75,000.00. *See*
20 **Exhibit A** to Defendants’ Notice of Removal (see Discovery Tier Level 3, which requires
21 the amount in controversy to be in excess of \$300,000).
22

23 7. Pursuant to LR Civ. 3.6, a Civil Cover Sheet and a Supplemental Civil Cover
24 Sheet have been filed with the Notice of Removal.
25

26 Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of
27 the United States of America that the foregoing is true and correct to the best of my
28 knowledge.

1 DATED this 25TH day of May, 2022

2
3 LEWIS BRISBOIS BISGAARD & SMITH LLP

4
5 By: /s/Jarin K. Geisler
6 Sean P. Healy
7 Jarin K. Geisler
8 Randall D. Nice
9 *Attorneys for Defendants*
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EXHIBIT H

AFFIDAVIT OF ALAN MICALLEF

STATE OF FLORIDA)
) ss.
County of Volusia)

1. I am over the age of 18 and I am competent to testify to the matters set forth in this Affidavit.
2. I am submitting this Affidavit in support of Defendants' Notice of Removal regarding Maricopa County Superior Court Case No.: CV2022-002269 (the "Action").
3. I am currently employed by NASCAR Enterprises, LLC as the Assistant General Counsel and have personal knowledge regarding NASCAR's corporate structure and the matters set forth herein.
4. The Action includes three (3) defendant entities: (1) National Association for Stock Car Auto Racing, LLC ("NASCAR"); (2) Phoenix Speedway, LLC ("PS"); and NASCAR Enterprises, LLC ("NE").
5. NASCAR is a limited liability company organized in the state of Florida with NE listed as its sole member.
6. The Arizona Corporation Commission's website lists ISC as a sole member of PS; however, NE has subsequently become the sole member of the entity.
7. PS is a limited liability company organized in the state of Delaware with NE listed as its sole member.
8. ISC is a corporation incorporated in the state of Florida. ISC's principal place of business is in the state of Florida.
9. NE is a limited liability company organized in the state of Delaware with NASCAR Holdings, LLC ("NH") listed as its sole member.
10. NH is a limited liability company organized in the state of Delaware with Guarantor Sub, LLC ("GS") listed as its sole member.
11. GS is a limited liability company organized in the state of Delaware with Sports International, LLC ("SI") listed as its sole member.
12. SI is a limited liability company organized in the state of Delaware with France Enterprises, Inc. ("FE") listed as its sole member.


[...]

13. FE is a corporation incorporated in the state of Delaware. FE's principal place of business is in the state of Florida.

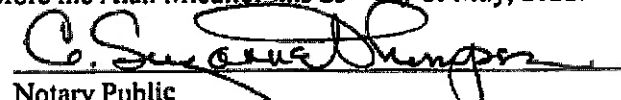
I declare under the penalty of perjury that the foregoing is true and correct.

FURTHER AFFIANT SAYETH NAUGHT.

DATED this 25th day of May, 2022.


Alan Micallef

SUBSCRIBED AND SWORN to before me Alan Micallef this 25th day of May, 2022.


Notary Public

My Commission Expires: 01-05-2023



EXHIBIT I

Select Language

Powered by Google Translate

Civil Court Case Information - Case History

Case Information

Case Number: CV2022-002269 Judge: Cooper, Katherine
 File Date: 2/23/2022 Location: Downtown
 Case Type: Civil

Party Information

Party Name	Relationship	Sex	Attorney
Eric Clifford	Plaintiff	Male	Daniel Miller
National Association Of Stock Car Auto Racing L L C, The	Defendant		Pro Per
Phoenix International Raceway P I R	Defendant		Pro Per
I S M Raceway	Defendant		Pro Per
Phoenix International Raceway	Defendant		Pro Per
Phoenix Speedway L L C	Defendant		Pro Per
Nascar Enterprises L L C	Defendant		Pro Per

Case Documents

Filing Date	Description	Docket Date	Filing Party
5/3/2022	AFS - Affidavit Of Service	5/18/2022	
NOTE: AMENDED / PHOENIX SPEEDWAY LLC			
5/3/2022	AFS - Affidavit Of Service	5/18/2022	
NOTE: NASCAR ENTERPRISES LLC			
5/2/2022	SUM - Summons	5/5/2022	
5/2/2022	AFS - Affidavit Of Service	5/9/2022	
NOTE: THE NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING L L C DBA NASCAR C/O W GARRETT CROTTY			
4/29/2022	AFS - Affidavit Of Service	5/3/2022	
NOTE: THE NATIONAL ASSOCIATION FOR STOCK CAR AUTO RACING LLC			
4/28/2022	SUM - Summons	4/30/2022	
4/28/2022	SUM - Summons	4/30/2022	
4/28/2022	AFS - Affidavit Of Service	5/2/2022	
NOTE: NASCAR ENTERPRISES LLC			
4/28/2022	AFS - Affidavit Of Service	5/2/2022	
NOTE: PHOENIX SPEEDWAY LLC			
4/18/2022	AMC - Amended Complaint	4/22/2022	
NOTE: First Amended Complaint			
4/14/2022	ORD - Order	4/14/2022	
NOTE: IT IS FURTHER ORDERED allowing Plaintiff to amend the caption of the First Amended Complaint to reflect the correct Defendants' names and to add Defendant NASCAR ENTERPRISES, LLC, as a defendant			
4/11/2022	066 - ME: Case Reassigned	4/11/2022	
3/8/2022	MOT - Motion	3/11/2022	
NOTE: Motion to File First Amended Complaint and Amend Caption			
2/23/2022	COM - Complaint	2/24/2022	
NOTE: Complaint			
2/23/2022	CSH - Coversheet	2/24/2022	
NOTE: Civil Cover Sheet			
2/23/2022	CCN - Cert Arbitration - Not Subject	2/24/2022	
NOTE: Certificate Of Compulsory Arbitration - Is Not Subject To			
2/23/2022	SUM - Summons	2/24/2022	
NOTE: Summons			
2/23/2022	SUM - Summons	2/24/2022	
NOTE: Summons			

5/25/22, 2:10 PM

Civil Court Case Information - Case History

2/23/2022 SUM - Summons

2/24/2022

NOTE: Summons

2/23/2022 SUM - Summons

2/24/2022

NOTE: Summons

Case Calendar

There are no calendar events on file

Judgments

There are no judgments on file